



General Assembly

February Session, 2010

Amendment

LCO No. 4263

SB0028804263SR0

Offered by:

SEN. MCKINNEY, 28th Dist.

SEN. FASANO, 34th Dist.

SEN. RORABACK, 30th Dist.

To: Senate Bill No. 288

File No. 91

Cal. No. 89

"AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL CORRECTIONS TO THE GENERAL GOVERNMENT ADMINISTRATION AND ELECTIONS STATUTES."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2010*) (a) The Department of
4 Transportation shall assume all responsibilities of the Department of
5 Motor Vehicles pursuant to any provision of the general statutes. The
6 transfer of functions, powers, duties, obligations, including, but not
7 limited to, contract obligations, the continuance of orders and
8 regulations, the effect upon pending actions and proceedings, the
9 completion of unfinished business, and the transfer of records and
10 property between the Department of Motor Vehicles, as said
11 department existed immediately prior to October 1, 2010, and the
12 Department of Transportation shall be governed by the provisions of

13 subsections (a) to (d), inclusive, and subsection (f) of section 4-38d of
14 the general statutes and sections 4-38e and 4-39 of the general statutes.

15 (b) On and after October 1, 2010, wherever the term "Department of
16 Motor Vehicles" is used or referred to in any public or special acts, the
17 term "Department of Transportation" shall be substituted in lieu
18 thereof.

19 (c) On and after October 1, 2010, wherever the term "Commissioner
20 of Motor Vehicles" is used or referred to in any public or special acts,
21 the term "Commissioner of Transportation" shall be substituted in lieu
22 thereof.

23 (d) Any order or regulation of the Department of Motor Vehicles,
24 which is in force on October 1, 2010, shall continue in force and effect
25 as an order or regulation of the Department of Transportation until
26 amended, repealed or superseded pursuant to law. Where any order or
27 regulation of said departments conflict, the Commissioner of
28 Transportation may implement policies and procedures consistent
29 with the provisions of this section, section 502 of this act and section 4-
30 5, 4-38c, 12-430, 12-431, 13a-37, 13b-69, 13b-92, 14-11c, 14-21w, 14-96p,
31 14-100a, 14-108a, 14-212e, 14-267a, 14-270e, 14-298, 15-140c and 17a-667
32 of the general statutes, as amended by this act, while in the process of
33 adopting the policy or procedure in regulation form, provided notice
34 of intention to adopt regulations is printed in the Connecticut Law
35 Journal within twenty days of implementation. The policy or
36 procedure shall be valid until the time final regulations are effective.

37 Sec. 502. (NEW) (*Effective October 1, 2010*) On and after October 1,
38 2010, "Commissioner of Transportation" shall be substituted for
39 "Commissioner of Motor Vehicles" and "Department of
40 Transportation" shall be substituted for "Department of Motor
41 Vehicles" in the following sections of the general statutes: 1-1h, 1-1i, 1-
42 17a, 1-84, 1-217, 2-50a, 5-142, 5-145b, 7-152b, 9-19b, 9-19h, 9-19i, 9-23g,
43 9-35, 10-145, 10-221c, 10-298, 12-41, 12-57, 12-57a, 12-71b, 12-241, 12-
44 412, 12-458d, 12-458g, 12-475, 12-491, 12-692, 13b-59, 13b-61, 13b-61b,

45 13b-83, 13b-89, 13b-96, 13b-97, 13b-99, 13b-106, 13b-410a, 13b-410b, 14-
46 1, 14-2, 14-3, 14-4, 14-4a, 14-5, 14-5b, 14-5c, 14-7, 14-9a, 14-10, 14-11a, 14-
47 11b, 14-11d, 14-11i, 14-12, 14-12a, 14-12g, 14-12h, 14-12i, 14-12j, 14-12k,
48 14-12q, 14-12r, 14-15, 14-16a, 14-16c, 14-19a, 14-19b, 14-20, 14-20a, 14-
49 20b, 14-20c, 14-21d, 14-21e, 14-21f, 14-21g, 14-21h, 14-21i, 14-21j, 14-21k,
50 14-21l, 14-21n, 14-21o, 14-21q, 14-21r, 14-21s, 14-21u, 14-21v, 14-22f, 14-
51 24, 14-25a, 14-25c, 14-25d, 14-29, 14-33, 14-33a, 14-34a, 14-35a, 14-36, 14-
52 36d, 14-36e, 14-36f, 14-36g, 14-36h, 14-36i, 14-36j, 14-36k, 14-37a, 14-37b,
53 14-38a, 14-39, 14-41, 14-41a, 14-42a, 14-44e, 14-44i, 14-44n, 14-44o, 14-45,
54 14-45a, 14-46, 14-46a, 14-48a, 14-48b, 14-48c, 14-49b, 14-50a, 14-50b, 14-
55 51, 14-52, 14-52b, 14-60, 14-61, 14-61a, 14-61b, 14-62, 14-62a, 14-63, 14-
56 65a, 14-65g, 14-65i, 14-65j, 14-65k, 14-66b, 14-67a, 14-67i, 14-67j, 14-67l,
57 14-67m, 14-67o, 14-67p, 14-67q, 14-67u, 14-67v, 14-67w, 14-70, 14-73, 14-
58 79, 14-80, 14-80a, 14-80h, 14-96aa, 14-96cc, 14-98a, 14-99g, 14-99h, 14-
59 100b, 14-102a, 14-103, 14-103a, 14-103d, 14-106a, 14-111a, 14-111b, 14-
60 111e, 14-111f, 14-111g, 14-111h, 14-111i, 14-111k, 14-111l, 14-111m, 14-
61 111n, 14-111o, 14-111p, 14-115a, 14-137a, 14-149, 14-149a, 14-150, 14-
62 151, 14-151a, 14-152, 14-153, 14-156, 14-161, 14-163, 14-163c, 14-163d,
63 14-164a, 14-164b, 14-164c, 14-164h, 14-164i, 14-164k, 14-164l, 14-165, 14-
64 166, 14-191, 14-192, 14-211a, 14-213b, 14-223, 14-227a, 14-227b, 14-227f,
65 14-227j, 14-227k, 14-253a, 14-254, 14-260n, 14-261, 14-261a, 14-261b, 14-
66 262, 14-269, 14-270c, 14-270f, 14-271a, 14-273, 14-274, 14-275, 14-275c,
67 14-276, 14-276a, 14-280, 14-281c, 14-282, 14-282a, 14-283, 14-286, 14-
68 289d, 14-289g, 14-289j, 14-291, 14-292, 14-293b, 14-300g, 14-307, 14-366,
69 14-379, 15-67, 15-125, 15-140o, 15-144, 15-145a, 15-146, 15-147, 15-148,
70 15-151, 15-154, 15-155, 15-155e, 15-156, 16a-6, 16a-103, 17a-28, 17b-30,
71 17b-137, 19a-181, 20-138c, 20-427a, 21-10, 21-67, 22a-27v, 22a-201a, 22a-
72 201b, 22a-201c, 26-85, 29-23a, 29-143a, 29-322, 29-332, 29-339, 31-293a,
73 36a-306, 36a-317b, 38a-329, 38a-343, 38a-343a, 38a-356, 38a-362, 38a-682,
74 38a-683, 42-133r, 42-133cc, 42-150u, 42-160, 42-179, 42-181, 42-182, 42-
75 183, 46b-124, 46b-150f, 46b-220, 49-61, 51-164n, 51-164o, 51-222a, 52-56,
76 52-62, 52-63, 52-192, 53-215a, 53a-19, 53a-22, 53a-23, 53a-56b, 53a-60d,
77 53a-167a, 53a-167b, 53a-167c, 54-1q, 54-56g, 54-76l, 54-142g and 54-
78 142q.

79 Sec. 503. Section 4-5 of the 2010 supplement to the general statutes is
80 repealed and the following is substituted in lieu thereof (*Effective*
81 *October 1, 2010*):

82 As used in sections 4-6, 4-7 and 4-8, the term "department head"
83 means Secretary of the Office of Policy and Management,
84 Commissioner of Administrative Services, Commissioner of Revenue
85 Services, Banking Commissioner, Commissioner of Children and
86 Families, Commissioner of Consumer Protection, Commissioner of
87 Correction, Commissioner of Economic and Community Development,
88 State Board of Education, Commissioner of Emergency Management
89 and Homeland Security, Commissioner of Environmental Protection,
90 Commissioner of Agriculture, Commissioner of Public Health,
91 Insurance Commissioner, Labor Commissioner, Liquor Control
92 Commission, Commissioner of Mental Health and Addiction Services,
93 Commissioner of Public Safety, Commissioner of Social Services,
94 Commissioner of Developmental Services, [Commissioner of Motor
95 Vehicles,] Commissioner of Transportation, Commissioner of Public
96 Works, Commissioner of Veterans' Affairs, Chief Information Officer,
97 the chairperson of the Public Utilities Control Authority, the executive
98 director of the Board of Education and Services for the Blind, the
99 executive director of the Connecticut Commission on Culture and
100 Tourism, and the executive director of the Office of Military Affairs. As
101 used in sections 4-6 and 4-7, "department head" also means the
102 Commissioner of Education.

103 Sec. 504. Section 4-38c of the general statutes is repealed and the
104 following is substituted in lieu thereof (*Effective October 1, 2010*):

105 There shall be within the executive branch of state government the
106 following departments: Office of Policy and Management, Department
107 of Administrative Services, Department of Revenue Services,
108 Department of Banking, Department of Agriculture, Department of
109 Children and Families, Department of Consumer Protection,
110 Department of Correction, Department of Economic and Community
111 Development, State Board of Education, Department of Emergency

112 Management and Homeland Security, Department of Environmental
113 Protection, Department of Public Health, Board of Governors of
114 Higher Education, Insurance Department, Labor Department,
115 Department of Mental Health and Addiction Services, Department of
116 Developmental Services, Department of Public Safety, Department of
117 Social Services, Department of Transportation, [Department of Motor
118 Vehicles,] Department of Veterans' Affairs, Department of Public
119 Works and Department of Public Utility Control.

120 Sec. 505. Subdivision (3) of section 12-430 of the general statutes is
121 repealed and the following is substituted in lieu thereof (*Effective*
122 *October 1, 2010*):

123 (3) Each person before obtaining an original or transferral
124 registration for a motor vehicle, vessel, snowmobile or aircraft in this
125 state shall furnish evidence that any tax due thereon pursuant to the
126 provisions of this chapter has been paid in accordance with regulations
127 prescribed by the Commissioner of Revenue Services, and on forms
128 approved by, in the case of a motor vehicle, vessel or snowmobile, the
129 Commissioner of Revenue Services and the [Commissioner of Motor
130 Vehicles, and, in the case of an aircraft, the Commissioner of Revenue
131 Services and the] Commissioner of Transportation. The Commissioner
132 of [Motor Vehicles] Transportation shall, upon the request of the
133 Commissioner of Revenue Services, after hearing by the Commissioner
134 of Revenue Services, suspend or revoke a motor vehicle, vessel or
135 snowmobile registration of any person who fails to pay any tax due in
136 connection with the sale, storage, use or other consumption of such
137 motor vehicle, vessel or snowmobile pursuant to the provisions of this
138 chapter. [The Commissioner of Transportation shall, upon the request
139 of the Commissioner of Revenue Services, after a hearing by the
140 Commissioner of Revenue Services, suspend or revoke an aircraft
141 registration of any person who fails to pay any tax due in connection
142 with the sale, storage, use or other consumption of such aircraft
143 pursuant to the provisions of this chapter.]

144 Sec. 506. Subdivision (1) of subsection (a) of section 12-431 of the

145 general statutes is repealed and the following is substituted in lieu
146 thereof (*Effective October 1, 2010*):

147 (a) (1) Except as otherwise provided in subdivision (2) of this
148 subsection, in case of the purchase of any motor vehicle, snowmobile,
149 vessel or aircraft other than from a licensed motor vehicle dealer or
150 licensed motor vehicle lessor, a snowmobile dealer, a licensed marine
151 dealer or a retailer of aircraft, respectively, the receipts therefrom shall
152 not be included in the measure of the sales tax, but the purchaser
153 thereof shall pay a use tax on the total purchase price thereof to the
154 Commissioner of Revenue Services, as provided in section 12-411, in
155 the case of tangible personal property purchased from a retailer, and,
156 in the case of motor vehicles, vessels and snowmobiles, before
157 obtaining an original or transferal registration, in accordance with
158 regulations prescribed by the Commissioner of Revenue Services and
159 on forms approved by the Commissioner of Revenue Services and the
160 Commissioner of [Motor Vehicles, and, in the case of aircraft, before
161 obtaining an original or transferal registration, in accordance with
162 regulations prescribed by the Commissioner of Revenue Services and
163 on forms approved by the Commissioner of Revenue Services and the
164 Commissioner of] Transportation.

165 Sec. 507. Section 13a-37 of the general statutes is repealed and the
166 following is substituted in lieu thereof (*Effective October 1, 2010*):

167 If, in the opinion of the commissioner, the boundary lines or limits
168 of any state highway have become lost or uncertain, he may cause a
169 map or maps of such highway to be made and may reestablish such
170 boundary lines or limits as, in his opinion, they were originally
171 established. Said commissioner shall, by written notice to the
172 selectmen of the town in which any such highway is situated and to
173 each known adjoining proprietor on any such highway, by registered
174 or certified mail to the last-known address, give a description of such
175 boundaries or limits as reestablished and file with the town clerk of
176 such town a copy of such map or maps which shall clearly define the
177 lines of such highway and the bounds thereof. The lines, boundaries

178 and limits so defined shall be the lines, boundaries and limits of such
179 highway, unless any person or town claiming to be aggrieved thereby
180 has taken an appeal to the Superior Court within sixty days from the
181 filing of such map or maps, and said court has, after full hearing,
182 found and determined new lines for such highway and rendered
183 judgment defining the same. If said commissioner is unable to prove
184 the location of any such boundaries or limits, he may purchase or
185 condemn such right-of-way over land adjoining the traveled portion of
186 the highway as is, in his opinion, necessary for highway purposes
187 under the provisions of part IV of this chapter, or may make written
188 agreements with the owners thereof concerning such lines, such
189 agreements to be executed in the manner required for deeds and
190 recorded in the office of the town clerk in which such land is located
191 by the commissioner. Said commissioner shall mark such boundaries
192 or limits by a uniform and distinctive type of marker. [The expenses,
193 costs and fees of the commissioner for legal, engineering or other
194 services, land damage or other damages in reestablishing or locating
195 such boundary lines shall be paid from the funds received from the
196 Commissioner of Motor Vehicles.]

197 Sec. 508. Subsection (b) of section 13b-69 of the general statutes is
198 repealed and the following is substituted in lieu thereof (*Effective*
199 *October 1, 2010*):

200 (b) The remaining resources of the Special Transportation Fund
201 shall, pursuant to appropriation thereof in accordance with chapter 50
202 and subject to approval by the Governor of allotment thereof, be
203 applied and expended for (1) payment of the principal of and interest
204 on "general obligation bonds of the state issued for transportation
205 purposes", as defined in subsection (c) of this section, or any
206 obligations refunding the same, (2) payment of state budget
207 appropriations made to or for the Department of Transportation, [and
208 the Department of Motor Vehicles,] and (3) payment of state budget
209 appropriations made to or for the Department of Public Safety for
210 members of the Division of State Police designated by the
211 Commissioner of Public Safety for motor patrol work pursuant to

212 section 29-4, except that (A) for the fiscal years commencing on or after
213 July 1, 1998, excluding the highway motor patrol budgeted expenses,
214 and (B) for the fiscal years commencing on or after July 1, 1999,
215 excluding the highway motor patrol fringe benefits.

216 Sec. 509. Section 13b-92 of the general statutes is repealed and the
217 following is substituted in lieu thereof (*Effective October 1, 2010*):

218 The Department of Transportation, upon written application of any
219 person authorized by the United States government to carry mail by
220 motor vehicle, or of any person desiring to carry passengers for hire to
221 and from any rural section where there is no other agency of public
222 transportation of passengers, may authorize such applicant to
223 transport passengers for hire in such motor vehicle over a prescribed
224 route if, in the opinion of the department, public convenience and
225 necessity require the same. The department shall also determine the
226 registration fee, if any, to be charged such applicant and [shall forward
227 to the Commissioner of Motor Vehicles a certified copy of its findings
228 concerning the requirements of public convenience and necessity and
229 the registration fee, and, thereupon, said commissioner] may register
230 such applicant's vehicle for such service. The department may, at any
231 time, amend or revoke any such authorization. Any such authorization
232 issued by the Division of Public Utility Control within the Department
233 of Business Regulation prior to October 1, 1979, shall remain valid
234 unless revoked by the Department of Transportation. Said department
235 may make rules, regulations and orders relating to such passenger
236 service and fixing rates and schedules therefor, provided such rules,
237 regulations and orders shall not be inconsistent with federal
238 regulations pertaining to carriers of United States mail.

239 Sec. 510. Subsection (b) of section 14-11c of the general statutes is
240 repealed and the following is substituted in lieu thereof (*Effective*
241 *October 1, 2010*):

242 (b) The Motor Carrier Advisory Council shall consist of the
243 following voting members: The Commissioners of Transportation,

244 [Motor Vehicles,] Public Safety, Revenue Services, Economic and
245 Community Development and Environmental Protection, or their
246 designees, and any other commissioner of a state agency, or such
247 commissioner's designee, invited to participate. The Commissioner of
248 [Motor Vehicles] Transportation or the commissioner's designee shall
249 organize and serve as chairperson of the council. The council shall only
250 make recommendations or take actions by a unanimous vote of all
251 members present and voting. The council may make recommendations
252 as the council deems appropriate to the United States Congress, the
253 Governor or the General Assembly.

254 Sec. 511. Section 14-21w of the 2010 supplement to the general
255 statutes is repealed and the following is substituted in lieu thereof
256 (*Effective October 1, 2010*):

257 (a) On and after January 1, 2010, the Commissioner of [Motor
258 Vehicles] Transportation may issue, within available appropriations,
259 Share the Road commemorative number plates of a design to enhance
260 public awareness of the rights and responsibilities of both motorists
261 and bicyclists while jointly using the highways of this state. The design
262 shall be determined by [agreement between] the Department of
263 Transportation, [and the Commissioner of Motor Vehicles,] in
264 consultation with an organization advocating on behalf of bicyclists.
265 No use shall be made of such plates except as official registration
266 marker plates.

267 (b) A fee of sixty dollars shall be charged for Share the Road
268 commemorative number plates, in addition to the regular fee or fees
269 prescribed for the registration of a motor vehicle. Fifteen dollars of
270 such fee shall be deposited in an account controlled by the Department
271 of [Motor Vehicles] Transportation to be used for the cost of
272 producing, issuing, renewing and replacing such number plates and
273 forty-five dollars of such fee shall be deposited in the account
274 established under subsection (d) of this section. No additional fee shall
275 be charged in connection with the renewal of such number plates. No
276 transfer fee shall be charged for transfer of an existing registration to or

277 from a registration with Share the Road commemorative number
278 plates. Such number plates shall have letters and numbers selected by
279 the Commissioner of [Motor Vehicles] Transportation. The
280 commissioner may establish a higher fee for: (1) Number plates that
281 contain the numbers and letters from a previously issued number
282 plate; (2) number plates that contain letters in place of numbers as
283 authorized by section 14-49, in addition to the fee or fees prescribed for
284 registration under said section; and (3) number plates that are low
285 number plates issued in accordance with section 14-160, in addition to
286 the fee or fees prescribed for registration under said section. All fees
287 established and collected pursuant to this section, except the amount
288 deposited in the account controlled by the department, shall be
289 deposited in the Share the Road account established under subsection
290 (d) of this section.

291 (c) The Commissioner of [Motor Vehicles, in consultation with the
292 Commissioner of] Transportation, may adopt regulations, in
293 accordance with the provisions of chapter 54, to establish standards
294 and procedures for the issuance, renewal and replacement of Share the
295 Road commemorative number plates.

296 (d) There is established a Share the Road account which shall be a
297 separate, nonlapsing account within the General Fund. The account
298 shall contain any moneys required by law to be deposited in the
299 account. The funds in the account shall be expended by the
300 Department of Transportation to enhance public awareness of the
301 rights and responsibilities of bicyclists and motorists while jointly
302 using the highways of this state and to promote bicycle use and safety
303 in this state. The Commissioner of Transportation may receive private
304 donations to said account and any such receipts shall be deposited in
305 said account.

306 (e) The Commissioner of [Motor Vehicles] Transportation may
307 provide for the reproduction and marketing of the Share the Road
308 commemorative number plate image for use on clothing, recreational
309 equipment, posters, mementoes or other products or programs

310 deemed by the commissioner to be suitable as a means of supporting
311 the Share the Road account established under subsection (d) of this
312 section. Any moneys received by the commissioner from such
313 marketing shall be deposited in said account.

314 Sec. 512. Subdivision (1) of subsection (a) of section 14-96p of the
315 general statutes is repealed and the following is substituted in lieu
316 thereof (*Effective October 1, 2010*):

317 (a) (1) No person shall display upon any motor vehicle any light
318 visible from the front thereof other than white, yellow or amber, or any
319 light other than red, yellow, amber or white visible from the rear
320 thereof, except a light used with any school bus, without a special
321 permit from the commissioner, in accordance with the provisions of
322 subsection (c) of section 14-96q. [If the Department of Transportation
323 obtains from the commissioner such a permit covering more than one
324 motor vehicle operated by the department, it may display the lights
325 allowed under the permit on each such vehicle without placing a copy
326 of the permit in each vehicle.]

327 Sec. 513. Section 14-100a of the general statutes is repealed and the
328 following is substituted in lieu thereof (*Effective October 1, 2010*):

329 (a) No new passenger motor vehicle may be sold or registered in
330 this state unless equipped with at least two sets of seat safety belts for
331 the front and rear seats of the motor vehicle, which belts comply with
332 the requirements of subsection (b) of this section. The anchorage unit
333 at the attachment point shall be of such construction, design and
334 strength as to support a loop load strength of not less than four
335 thousand pounds for each belt.

336 (b) No seat safety belt may be sold for use in connection with the
337 operation of a motor vehicle on any highway of this state unless it is so
338 constructed and installed as to have a loop strength through the
339 complete attachment of not less than four thousand pounds, and the
340 buckle or closing device shall be of such construction and design that
341 after it has received the aforesaid loop belt load it can be released with

342 one hand with a pull of less than forty-five pounds.

343 (c) (1) The operator of and any front seat passenger in a motor
344 vehicle with a gross vehicle weight rating not exceeding ten thousand
345 pounds or fire fighting apparatus originally equipped with seat safety
346 belts complying with the provisions of the Code of Federal
347 Regulations, Title 49, Section 571.209, as amended from time to time,
348 shall wear such seat safety belt while the vehicle is being operated on
349 any highway, except as follows:

350 (A) A child six years of age and under shall be restrained as
351 provided in subsection (d) of this section;

352 (B) The operator of such vehicle shall secure or cause to be secured
353 in a seat safety belt any passenger seven years of age or older and
354 under sixteen years of age; and

355 (C) If the operator of such vehicle is under eighteen years of age,
356 such operator and each passenger in such vehicle shall wear such seat
357 safety belt while the vehicle is being operated on any highway.

358 (2) The provisions of subdivision (1) of this subsection shall not
359 apply to (A) any person whose physical disability or impairment
360 would prevent restraint in such safety belt, provided such person
361 obtains a written statement from a licensed physician containing
362 reasons for such person's inability to wear such safety belt and
363 including information concerning the nature and extent of such
364 condition. Such person shall carry the statement on his or her person
365 or in the motor vehicle at all times when it is being operated, or (B) an
366 authorized emergency vehicle, other than fire fighting apparatus,
367 responding to an emergency call or a motor vehicle operated by a rural
368 letter carrier of the United States postal service while performing his or
369 her official duties or by a person engaged in the delivery of
370 newspapers.

371 (3) Failure to wear a seat safety belt shall not be considered as
372 contributory negligence nor shall such failure be admissible evidence

373 in any civil action.

374 (4) Any operator of a motor vehicle, who is eighteen years of age or
375 older, and any passenger in such motor vehicle, who violates any
376 provision of this subsection shall have committed an infraction and
377 shall be fined fifteen dollars. Any operator of a motor vehicle who is
378 under eighteen years of age and any passenger in such motor vehicle
379 who violates any provision of this subsection shall have committed an
380 infraction and shall be fined seventy-five dollars. Points may not be
381 assessed against the operator's license of any person convicted of such
382 violation.

383 (d) (1) Any person who transports a child six years of age and under
384 or weighing less than sixty pounds, in a motor vehicle on the highways
385 of this state shall provide and require the child to use a child restraint
386 system approved pursuant to regulations adopted by the Department
387 of [Motor Vehicles] Transportation in accordance with the provisions
388 of chapter 54. Any person who transports a child seven years of age or
389 older and weighing sixty or more pounds, in a motor vehicle on the
390 highways of this state shall either provide and require the child to use
391 an approved child restraint system or require the child to use a seat
392 safety belt. As used in this subsection, "motor vehicle" does not mean a
393 bus having a tonnage rating of one ton or more. Failure to use a child
394 restraint system shall not be considered as contributory negligence nor
395 shall such failure be admissible evidence in any civil action.

396 (2) Any person who transports a child under one year of age or
397 weighing less than twenty pounds in a motor vehicle on the highways
398 of this state shall provide and require the child to ride rear-facing in a
399 child restraint system approved pursuant to regulations that the
400 Department of [Motor Vehicles] Transportation shall adopt in
401 accordance with the provisions of chapter 54.

402 (3) Notwithstanding the provisions of subdivision (1) of this
403 subsection, any person who transports a child four years of age or
404 older in a student transportation vehicle, as defined in section 14-212,

405 on the highways of this state shall either provide and require the child
406 to use an approved child restraint system or require the child to use a
407 seat safety belt. Any person who transports a child under four years of
408 age weighing less than forty pounds in a student transportation
409 vehicle on the highways of this state shall provide and require the
410 child to use a child restraint system approved pursuant to regulations
411 adopted by the Department of [Motor Vehicles] Transportation in
412 accordance with the provisions of chapter 54.

413 (4) No person shall restrain a child in a booster seat unless the motor
414 vehicle is equipped with a safety seat belt that includes a shoulder belt
415 and otherwise meets the requirement of subsection (b) of this section.

416 (5) Any person who violates the provisions of subdivision (1), (2),
417 (3) or (4) of this subsection shall, for a first violation, have committed
418 an infraction; for a second violation, be fined not more than one
419 hundred ninety-nine dollars; and, for a third or subsequent violation,
420 be guilty of a class A misdemeanor. The commissioner shall require
421 any person who has committed a first or second violation of the
422 provisions of this subsection to attend a child car seat safety course
423 offered or approved by the Department of [Motor Vehicles]
424 Transportation. The commissioner may, after notice and an
425 opportunity for a hearing, suspend for a period of not more than two
426 months the motor vehicle operator's license of any person who fails to
427 attend or successfully complete the course.

428 (e) (1) Any person who transports an individual who remains in a
429 wheelchair while being transferred into and out of a vehicle, in any
430 motor vehicle on the highways of this state, shall provide and require
431 the use of a device designed to secure individuals in wheelchairs while
432 transferring such individuals from the ground to the vehicle and from
433 the time the motor vehicle is brought to a stop until such individuals
434 are transferred from the vehicle to the ground. Such device shall be
435 located in the motor vehicle at all times. The Commissioner of [Motor
436 Vehicles] Transportation may, after consultation with the
437 [Departments of Transportation and] Department of Public Health,

438 establish regulations to implement the provisions of this section and
439 sections 13b-105 and 14-102a, subsection (d) of section 14-103,
440 subsection (a) of section 14-275 and subsection (a) of section 19a-180.

441 (2) The following motor vehicles registered in this state for the first
442 time on or after October 1, 2007, that transport individuals who remain
443 in wheelchairs while being transported, shall, in addition to the
444 requirements of subdivision (1) of this subsection, install or provide
445 and require the use of a device that secures the wheelchair to the motor
446 vehicle's mechanical lift or otherwise prevents or seeks to prevent an
447 individual in a wheelchair from falling from such mechanical lift or
448 motor vehicle: (A) Motor vehicles in livery service, as defined in
449 section 13b-101, (B) service buses, as defined in section 14-1, (C) invalid
450 coaches, as defined in subdivision (11) of section 19a-175, (D) vanpool
451 vehicles, as defined in section 14-1, (E) school buses, as defined in
452 section 14-1, (F) motor buses, as defined in section 14-1, (G) student
453 transportation vehicles, as defined in section 14-212, and (H) camp
454 vehicles, as defined in section 14-1. The provisions of this subsection
455 shall also apply to all motor vehicles used by municipal, volunteer and
456 commercial ambulance services, rescue services and management
457 services, as defined in subdivision (19) of section 19a-175.

458 (3) Violation of any provision of this subsection is an infraction.

459 (f) The commissioner shall administer the provisions of this section.

460 Sec. 514. Subdivision (2) of subsection (a) of section 14-108a of the
461 general statutes is repealed and the following is substituted in lieu
462 thereof (*Effective October 1, 2010*):

463 (2) In each motor vehicle accident in which any person is killed or
464 injured or in which damage to the property of any one individual,
465 including the operator, in excess of one thousand dollars is sustained,
466 the police officer, agency or individual who, in the regular course of
467 duty, investigates such accident, either at the time of or at the scene of
468 the accident or thereafter, by interviewing the participants or
469 witnesses, shall, within five days after completing such investigation,

complete and forward one copy of such report to the Commissioner of Transportation. Such report shall call for and contain all available detailed information to disclose the location and cause of the accident, the conditions then existing, the persons and vehicles involved and the names of the insurance companies issuing their automobile liability policies, as well as the enforcement action taken. [The Commissioner of Transportation shall forward to the Commissioner of Motor Vehicles one copy of each report of any accident involving a school bus. The Commissioner of Motor Vehicles may inquire into or investigate any accident reported pursuant to this subsection and may request the assistance of the Division of State Police within the Department of Public Safety for such purposes.]

Sec. 515. Subsection (b) of section 14-212e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(b) The council shall be comprised of the following members: The Commissioners of Transportation [,] and Public Safety, [and Motor Vehicles,] or their designees; the president of the Connecticut Employees Union Independent, or such person's designee; the president of the Connecticut State Police Union, or such person's designee; and a representative of the Connecticut Construction Industries Association, designated by the president of said association. Appointees should be persons with knowledge and experience concerning highway work zones. Appointments to the council shall be made not later than November 1, 2008. The chairperson of the council shall be appointed by the Governor and shall convene the first meeting of the council not later than December 1, 2008.

Sec. 516. Subsections (e) to (l), inclusive, of section 14-267a of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(e) No person shall operate any commercial motor vehicle, nor shall the owner or lessee of any commercial motor vehicle allow such motor

502 vehicle to be operated, on any public highway or bridge, when the
503 combined weight of vehicle and load exceeds the gross weight, as
504 registered with the Department of [Motor Vehicles] Transportation, the
505 tire capacity or the axle load, except that the gross vehicle weight shall
506 not exceed eighty thousand pounds, or as provided by statute, or, in
507 the case of a vehicle registered in any other state or country, as so
508 registered or provided in such state or country or as designated as
509 legal for a like motor vehicle of Connecticut registration, whichever is
510 the lesser, without a written permit from the Commissioner of
511 Transportation, which shall prescribe the condition under which such
512 vehicle shall be operated.

513 (f) (1) The penalties provided for in this subsection shall be assessed
514 against the owner of a commercial motor vehicle when the owner, the
515 owner's agent or employee is the operator, or against the lessee of such
516 vehicle when the lessee, the lessee's agent or employee is the operator
517 of a leased or rented commercial motor vehicle.

518 (2) Any person who violates any provision of this section shall be
519 subject to the following penalties: (A) For an overweight violation of
520 not more than five per cent of the gross weight or axle weight limits in
521 subsection (b) of this section, a fine of three dollars per hundred
522 pounds or fraction thereof of such excess weight; (B) for an overweight
523 violation of more than five per cent and not more than ten per cent of
524 either such weight limit, a fine of five dollars per hundred pounds or
525 fraction thereof of such excess weight or a minimum fine of fifty
526 dollars; (C) for an overweight violation of more than ten per cent but
527 not more than fifteen per cent of either such weight limit, a fine of six
528 dollars per hundred pounds or fraction thereof of such excess weight
529 or a minimum fine of one hundred dollars; (D) for an overweight
530 violation of more than fifteen per cent but not more than twenty per
531 cent of either such weight limit, a fine of seven dollars per hundred
532 pounds or fraction thereof of such excess weight or a minimum fine of
533 two hundred dollars; (E) for an overweight violation of more than
534 twenty per cent but not more than twenty-five per cent of either such
535 weight limit, a fine of ten dollars per hundred pounds or fraction

536 thereof of such excess weight or a minimum fine of three hundred
537 dollars; (F) for an overweight violation of more than twenty-five per
538 cent but not more than thirty per cent of either such overweight limit, a
539 fine of twelve dollars per hundred pounds or fraction thereof of such
540 excess weight or a minimum fine of five hundred dollars; and (G) for
541 an overweight violation of more than thirty per cent of either such
542 overweight limit, a fine of fifteen dollars per one hundred pounds or
543 fraction thereof of such excess weight or a minimum fine of one
544 thousand dollars.

545 (3) The court shall note on the record any conviction for an
546 overweight violation in excess of fifteen per cent of the gross weight
547 limits in subsection (b) of this section with respect to any vehicle with a
548 gross vehicle weight of eighteen thousand pounds or more and shall
549 cause such information to be transmitted to the Commissioner of
550 [Motor Vehicles] Transportation. Upon receipt of such information
551 with respect to a third or subsequent conviction for such overweight
552 violation in a calendar year, the commissioner may schedule a hearing,
553 in accordance with the provisions of chapter 54, to review the record of
554 the motor vehicle registrant and shall notify the registrant of the
555 hearing. In such cases, the Commissioner of [Motor Vehicles]
556 Transportation may review information and evidence presented at the
557 hearing including, but not limited to, frequency of the registrant's
558 commercial vehicle operations, the size of the registrant's fleet and the
559 culpability, if any, of the shipper. After the hearing, the commissioner
560 may impose a civil penalty on the owner or lessee of such motor
561 vehicle in the amount of two thousand dollars or revoke the
562 registration, for a period of thirty days, of any commercial motor
563 vehicle so operated and may refuse to issue a registration for such
564 motor vehicle during such further time as the commissioner deems
565 reasonable.

566 (4) An owner or lessee who is assessed penalties pursuant to this
567 subsection for an overweight violation in excess of fifteen per cent of
568 the gross weight limits in subsection (b) of this section five times
569 during any calendar year shall be assessed by the court an additional

570 five thousand dollars for the fifth violation and an additional five
571 thousand dollars for each subsequent overweight violation in excess of
572 fifteen per cent of such limits in such calendar year.

573 (5) No more than twenty-five per cent of any fine imposed pursuant
574 to this subsection may be remitted unless the court determines that
575 there are mitigating circumstances and specifically states such
576 circumstances for the record.

577 (g) For the purpose of enforcing the provisions of this section, any
578 state police officer, Department of Public Safety employee designated
579 by the Commissioner of Public Safety, local police officer, [Department
580 of Motor Vehicles inspector,] or Department of Transportation
581 employee designated by the Commissioner of Transportation, may
582 require the driver to stop and submit to a weighing by means of either
583 portable or stationary scales and may require that such vehicle be
584 driven to a scale or safety inspection site.

585 (h) Whenever signs are displayed on a public highway, indicating
586 that a scale is in operation and directing the driver of a commercial
587 vehicle to stop at the weighing area, the driver shall stop and, in
588 accordance with the directions of any state police officer, Department
589 of Public Safety employee designated by the Commissioner of Public
590 Safety, local police officer, [Department of Motor Vehicles inspector,]
591 or Department of Transportation employee designated by the
592 Commissioner of Transportation, allow the vehicle to be weighed or
593 inspected.

594 (i) The driver of a vehicle which is weighed may remove from such
595 vehicle any material, including, but not limited to, sand, debris, ice or
596 snow, which may have accumulated on the outside of such vehicle,
597 before any such official determines that the weight of such vehicle is
598 unlawful.

599 (j) Whenever such an official, upon weighing a vehicle and load,
600 determines that the weight is unlawful, such official may require the
601 driver to remove from the vehicle that portion of the load that may be

602 necessary to reduce the gross or axle weight of such vehicle to the limit
603 permitted under this chapter, provided if the vehicle is in violation of
604 an axle weight limit in subsection (b) of this section but not a gross
605 weight limit under said subsection, such official shall allow the driver
606 to manually shift the load in order to comply with such axle weight
607 limit without penalty.

608 (k) (1) Any driver of a vehicle who fails or refuses when directed by
609 such official, upon a weighing of the vehicle, to comply with such
610 official's directions shall be fined not less than one hundred dollars or
611 more than two hundred dollars for the first offense and not less than
612 two hundred dollars or more than five hundred dollars for each
613 subsequent offense. (2) Any driver of a vehicle who (A) exits a limited
614 access highway on which a scale or safety inspection site is in
615 operation with intent to circumvent the provisions of subsection (h) of
616 this section, without a bona fide business purpose, or (B) fails to
617 comply with the provisions of subsection (h) of this section shall be
618 fined not less than two hundred fifty dollars or more than five
619 hundred dollars for the first offense and not less than five hundred
620 dollars or more than one thousand dollars for each subsequent offense.

621 (l) The Commissioner of Transportation may adopt regulations in
622 accordance with chapter 54 necessary to implement the purposes of
623 this section. The Commissioner of Transportation, after consultation
624 with the Commissioner of Public Safety, [and the Commissioner of
625 Motor Vehicles,] shall adopt regulations in accordance with chapter 54
626 defining safety standards and inspection procedures to assure
627 compliance with the safety requirements of 10 CFR 71 and 49 CFR 100
628 through 199 and the fines for noncompliance. The Department of
629 Transportation shall coordinate development of state policy and
630 regulations concerning the trucking industry.

631 Sec. 517. Section 14-270e of the general statutes is repealed and the
632 following is substituted in lieu thereof (*Effective October 1, 2010*):

633 On or before January 1, 2004, the Commissioner of Transportation,

634 in consultation with the Department of Public Safety, [and the
635 Department of Motor Vehicles,] shall establish a program to
636 implement regularly scheduled and enforced hours of operation for
637 weigh stations. Not later than October 1, 2004, and annually thereafter,
638 the commissioner shall submit a report, in accordance with section 11-
639 4a, on the planned program to the joint standing committee of the
640 General Assembly having cognizance of matters relating to
641 transportation.

642 Sec. 518. Section 14-298 of the general statutes is repealed and the
643 following is substituted in lieu thereof (*Effective October 1, 2010*):

644 There shall be within the Department of Transportation a State
645 Traffic Commission. Said Traffic Commission shall consist of the
646 Commissioner of Transportation [,] and the Commissioner of Public
647 Safety. [and the Commissioner of Motor Vehicles.] For the purpose of
648 standardization and uniformity, said commission shall adopt and
649 cause to be printed for publication regulations establishing a uniform
650 system of traffic control signals, devices, signs and markings consistent
651 with the provisions of this chapter for use upon the public highways.
652 The commissioner shall make known to the General Assembly the
653 availability of such regulations and any requesting member shall be
654 sent a written copy or electronic storage media of such regulations by
655 the commissioner. Taking into consideration the public safety and
656 convenience with respect to the width and character of the highways
657 and roads affected, the density of traffic thereon and the character of
658 such traffic, said commission shall also adopt regulations, in
659 cooperation and agreement with local traffic authorities, governing the
660 use of state highways and roads on state-owned properties, and the
661 operation of vehicles including but not limited to motor vehicles, as
662 defined by section 14-1, and bicycles, as defined by section 14-286,
663 thereon. A list of limited-access highways shall be published with such
664 regulations and said list shall be revised and published once each year.
665 The commissioner shall make known to the General Assembly the
666 availability of such regulations and list and any requesting member
667 shall be sent a written copy or electronic storage media of such

668 regulations and list by the commissioner. A list of limited-access
669 highways opened to traffic by the Commissioner of Transportation in
670 the interim period between publications shall be maintained in the
671 office of the State Traffic Commission and such regulations shall apply
672 to the use of such listed highways. Said commission shall also make
673 regulations, in cooperation and agreement with local traffic authorities,
674 respecting the use by through truck traffic of streets and highways
675 within the limits of, and under the jurisdiction of, any city, town or
676 borough of this state for the protection and safety of the public. If said
677 commission determines that the prohibition of through truck traffic on
678 any street or highway is necessary because of an immediate and
679 imminent threat to the public health and safety and the local traffic
680 authority is precluded for any reason from acting on such prohibition,
681 the commission, if it is not otherwise precluded from so acting, may
682 impose such prohibition. Said commission may place and maintain
683 traffic control signals, signs, markings and other safety devices, which
684 it deems to be in the interests of public safety, upon such highways as
685 come within the jurisdiction of said commission as set forth in section
686 14-297. The traffic authority of any city, town or borough may place
687 and maintain traffic control signals, signs, markings and other safety
688 devices upon the highways under its jurisdiction, and all such signals,
689 devices, signs and markings shall conform to the regulations
690 established by said commission in accordance with this chapter, and
691 such traffic authority shall, with respect to traffic control signals,
692 conform to the provisions of section 14-299.

693 Sec. 519. Subsection (b) of section 15-140c of the general statutes is
694 repealed and the following is substituted in lieu thereof (*Effective*
695 *October 1, 2010*):

696 (b) Any officer authorized to enforce the provisions of this chapter
697 upon discovery of any vessel apparently abandoned, whether situated
698 on or out of the waters of the state, may take such vessel into his
699 custody and may cause the same to be taken to and stored in a suitable
700 place. There shall be no liability attached to such officer for any
701 damages to such vessel while in his custody. All charges necessarily

702 incurred by such officer in the performance of such duty shall be a lien
703 upon such vessel. The owner or keeper of any marina or other place
704 where such vessel is stored shall have a lien upon the same for his
705 storage charges and if such vessel has been stored for a period of not
706 less than sixty days, such owner or keeper may sell the same for
707 storage charges owed thereon, provided a notice of intent to sell shall
708 be sent to the Commissioner of Environmental Protection, the
709 [Commissioner of Motor Vehicles,] Commissioner of Transportation
710 and the owner of such vessel, if known, five days before the sale of
711 such vessel. If the owner is unknown, such sale shall be advertised in a
712 newspaper published or having a circulation in the town where such
713 marina or other place is located three times, commencing at least five
714 days before the sale. The proceeds of such sale, after deducting the
715 amount due such marina owner or keeper and all expenses of the
716 officer who placed such vessel in storage, shall be paid to the owner of
717 such vessel or his legal representatives, if claimed by him or them at
718 any time within one year from the date of such sale. If such balance is
719 not claimed within said period, it shall escheat to the state.

720 Sec. 520. Subsection (b) of section 17a-667 of the general statutes is
721 repealed and the following is substituted in lieu thereof (*Effective*
722 *October 1, 2010*):

723 (b) The council shall consist of the following members: (1) The
724 Secretary of the Office of Policy and Management, or the secretary's
725 designee; (2) the Commissioners of Children and Families, Consumer
726 Protection, Correction, Education, Higher Education, Mental Health
727 and Addiction Services, [Motor Vehicles,] Public Health, Public Safety,
728 Social Services and Transportation and the Insurance Commissioner,
729 or their designees; (3) the Chief Court Administrator, or the Chief
730 Court Administrator's designee; (4) the chairperson of the Board of
731 Pardons and Paroles, or the chairperson's designee; (5) the Chief State's
732 Attorney, or the Chief State's Attorney's designee; (6) the Chief Public
733 Defender, or the Chief Public Defender's designee; and (7) the
734 cochairpersons and ranking members of the joint standing committees
735 of the General Assembly having cognizance of matters relating to

736 public health, criminal justice and appropriations, or their designees.
737 The Commissioner of Mental Health and Addiction Services and the
738 Commissioner of Children and Families shall be cochairpersons of the
739 council. The Office of Policy and Management shall, within available
740 appropriations, provide staff for the council."